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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,944	01/10/2002	Katsumi Kurematsu	1232-4808	6421
27123	7590	05/06/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			CRUZ, MAGDA	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,944

Applicant(s)

KUREMATSU, KATSUMI

Examiner

Magda Cruz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “plurality of light sources images” and “a second optical system for superimposing the beams from said plurality of light source images on said light modulating element, and said light amount adjusting means is disposed at a position whereat said plurality of light source images are projected” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-9, 14-15, 17-32 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ouchi et al.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Ouchi et al. (US Patent Number 6,592,227 B2) discloses a projection type display apparatus comprising a display device (column 5, line 55), a projection optical system (1) for projecting image light from the display device onto a surface to be projected (column 5, lines 50-57), the projection optical system having light amount adjusting means (30) capable of substantially uniformly attenuating said image light on the surface to be projected (column 3, lines 16-23), wherein said light amount adjusting means attenuates the image light based on an input signal to the display device (column 5, lines 40-43); wherein the light amount adjusting means (20a) has a stop variable in aperture diameter (column 4, lines 24-28); wherein a write signal to said display device is modulated in synchronism with the adjustment of the amount of light by said light amount adjusting means so that dynamic range about luminance may

change (column 3, lines 16-23); wherein said display device (column 2, line 59) includes a light modulating element (P) and illuminating means (BL1) for illuminating said light modulating element (P) with light from a light source (BL1), and said illuminating means has a first optical system (PL1) for forming a plurality of light source images by the light from said light source; wherein said light amount adjusting means is disposed at a pupil position of said projection optical system (column 4, lines 43-45); a light modulating element for controlling transmitted or reflected state of light to thereby display a gradation image (column 6, lines 43-56); wherein said projection light amount control means uniformly intercepts a light source image formed by said optical type integrator (6a, 6b); wherein said projection optical system (PL1) is comprised of a so-called Schlieren optics (column 3, lines 24-25); wherein said projection light amount control means (20) has movable stop means and stop driving means (column 3, lines 29-33); wherein said projection light amount control means is disposed at a position which is not in conjugate relationship with said light modulating element (column 3, lines 25-29); wherein said projection light amount control means controls the amount of stop in conformity with the luminance level of the input image signal (column 3, lines 35-41); wherein movable stop means of said projection light amount control means is a stripe stop, and driving means is a cam motor or an ultrasonic motor (column 8, lines 34-36); wherein said control signal generating means has luminance level calculation means for calculating the luminance level of the input image signal (column 3, lines 36-42), and projection light amount calculation means for calculating the amount of projection light emerging from the projection optical system in conformity with said calculated

luminance level, and generates the control signal of said projection light amount control means on the basis of the amount of projection light calculated in said projection light amount calculation means (column 3, lines 42-50), and generates the control signal of said write signal processing means on the basis of the luminance level calculated in said luminance level calculation means and said calculated amount of projection light (column 2, lines 26-31); wherein luminance level calculation means calculates the maximum value of the luminance signal of each pixel in each field or each frame of an image signal as maximum luminance (column 3, lines 51-55); wherein luminance level calculation means calculates the cumulative histogram of the luminance signal of each pixel in each field or each frame of an image signal, and calculates a luminance level at which said cumulative histogram becomes constant or greater as maximum luminance (column 3, lines 55-64).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 10-13, 16, 33-35 are rejected under 35 U.S.C. 103(a) as being obvious over Ouchi et al. in view of Yamanaka et al.

The applied reference (i.e. Ouchi et al.) has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it

constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Ouchi et al. (US Patent Number 6,592,227 B2) teaches the salient features of the present invention, except adjusting means having a variable stop comprising a plurality of tiltable light intercepting plates arranged in said cross-section, wherein said light amount adjusting means has a variable stop comprising a plurality of displaceable light intercepting plates arranged in said cross-section, and wherein said light amount adjusting means has ND filter means variable in transmittance. However, Ouchi et al. discloses movable diaphragm means (20a) for by means of the diaphragm drive means

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(20b) as a function of the brightness level of the input image signal (column 3, lines 30-33).

Yamanaka et al. (US Patent Number 6,592,227 B2) discloses adjusting means having a variable stop comprising a plurality of tiltable light intercepting plates (5) arranged in said cross-section (column 9, lines 4-6), wherein said light amount adjusting means has a variable stop comprising a plurality of displaceable light intercepting plates arranged in said cross-section (column 9, lines 31-42), and wherein said light amount adjusting means has ND filter means variable in transmittance (column 10, lines 12-16).


It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the light amount adjusting means disclosed by Yamanaka et al. in combination with Ouchi et al.'s invention, for the purpose of having a higher-quality image projected (column 5, lines 54-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (571) 272-2112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
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Magda Cruz
Patent Examiner
April 30, 2004